



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Louis GUERET

Group Art Unit: 2685

Application No.: 10/761,337

Examiner: D. Walczak

Filed: January 22, 2004

Docket No.: 118323

For: AN APPLICATOR INCLUDING AN APPLICATOR ELEMENT FOR APPLYING A
SUBSTANCE, IN PARTICULAR A COSMETIC OR ANOTHER CARE PRODUCT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 12, 2005 Election of Species Requirement, Applicant provisionally elects Species 1, Subspecies A, Figures 1 and 20-22, with traverse. Applicant respectfully submits that at least claims 1-6, 12, 18, 23, 25, 27, 32, 34-39 and 43-45 read on the elected Species/Subspecies. Further, Applicant respectfully submits that at least claims 1-6, 35-37 and 43-45 are generic to all Species.

It is respectfully submitted that the subject matter of all claims 1-47 and all Species are sufficiently related that a thorough search for the subject matter of any one Species would encompass a search for the subject matter of the claims directed to the other Species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions"

(emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:KLK/kzb

Date: September 9, 2005

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